

## Denise Buckley

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**From:** Denise Buckley  
**Sent:** Wednesday, June 28, 2017 2:54 PM  
**To:** 'Leo Glickman'  
**Subject:** RE: Burks v Stickney - photo array viewing on July 6th

Yes, I am checking re: availability the weeks of July 17<sup>th</sup> and 24<sup>th</sup>.

### Denise Buckley | Assistant Attorney General

Litigation Bureau  
NYS Office of the Attorney General  
State Capitol | Albany, NY 12224  
Tel: (518) 776-2294 | Fax: (518) 915-7738 | [denise.buckley@ag.ny.gov](mailto:denise.buckley@ag.ny.gov)

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**From:** Leo Glickman [<mailto:lglickman@stollglickman.com>]  
**Sent:** Wednesday, June 28, 2017 2:51 PM  
**To:** Denise Buckley <[Denise.Buckley@ag.ny.gov](mailto:Denise.Buckley@ag.ny.gov)>  
**Subject:** RE: Burks v Stickney - photo array viewing on July 6th

Not 17 7through 24. The weeks of the 17<sup>th</sup> and the 24<sup>th</sup>. The 17<sup>th</sup> through 28<sup>th</sup>.

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**From:** Denise Buckley [<mailto:Denise.Buckley@ag.ny.gov>]  
**Sent:** Wednesday, June 28, 2017 2:50 PM  
**To:** Leo Glickman <[lglickman@stollglickman.com](mailto:lglickman@stollglickman.com)>  
**Subject:** RE: Burks v Stickney - photo array viewing on July 6th

Leo,

I will check with the defendants to confirm their availability the weeks of July 17 through 24. Steve Racette is not available that week. He is available for deposition any day the last three weeks in August.

If you want to make a settlement demand, I will convey that to DOCCS to see if they are open to negotiation at this time.

Best regards,

### Denise Buckley | Assistant Attorney General

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NYS Office of the Attorney General  
State Capitol | Albany, NY 12224  
Tel: (518) 776-2294 | Fax: (518) 915-7738 | [denise.buckley@ag.ny.gov](mailto:denise.buckley@ag.ny.gov)

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**From:** Leo Glickman [<mailto:lglickman@stollglickman.com>]  
**Sent:** Wednesday, June 28, 2017 2:40 PM

**To:** Denise Buckley <[Denise.Buckley@ag.ny.gov](mailto:Denise.Buckley@ag.ny.gov)>

**Subject:** RE: Burks v Stickney - photo array viewing on July 6th

I have kept the weeks of July 17 and July 24 open.

I will want to depose all defendants except as follows.

I will serve a 3-4 request Request for Admission on Smith and Pepper. They will simply ask if they were on duty at any time of the date of the alleged assault, and whether they used force on plaintiff on or around the date in question. I will not ask that they come down to Albany for a deposition for which, I assume, they will simply deny assaulting plaintiff.

As to the new defendants, I would appreciate if you can pencil a depo in for them and see if they can be produced in that two week period. After I see my client on the 6<sup>th</sup>, I might be able to make a more informed choice about whether to go forward with depositions or not.

Finally, I will also speak with my client about settlement. Is this a no pay position for the AG's office, or is your office open to a negotiation?

Leo Glickman  
Stoll, Glickman & Bellina, LLP  
718-852-3710  
[www.stollglickman.com](http://www.stollglickman.com)

Brooklyn office:	Uptown Manhattan Office:
475 Atlantic Ave., 3 <sup>rd</sup> Floor	5030 Broadway, Ste. 652
Brooklyn, NY 11217	New York, NY 10034

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**From:** Denise Buckley [<mailto:Denise.Buckley@ag.ny.gov>]

**Sent:** Wednesday, June 28, 2017 2:29 PM

**To:** Leo Glickman <[lglickman@stollglickman.com](mailto:lglickman@stollglickman.com)>

**Subject:** RE: Burks v Stickney - photo array viewing on July 6th

Leo,

Great. Thanks. Please note, I am going to be out of the office from tomorrow until July 5<sup>th</sup>. So, if your e-mail doesn't arrive before I leave here this evening, I will reply to it when I am back in the office on July 5<sup>th</sup>.

Best regards,

**Denise Buckley | Assistant Attorney General**

Litigation Bureau

NYS Office of the Attorney General

State Capitol | Albany, NY 12224

Tel: (518) 776-2294 | Fax: (518) 915-7738 | [denise.buckley@ag.ny.gov](mailto:denise.buckley@ag.ny.gov)

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**From:** Leo Glickman [<mailto:lglickman@stollglickman.com>]  
**Sent:** Wednesday, June 28, 2017 2:11 PM  
**To:** Denise Buckley <[Denise.Buckley@ag.ny.gov](mailto:Denise.Buckley@ag.ny.gov)>  
**Subject:** RE: Burks v Stickney - photo array viewing on July 6th

What you proposed sounds perfect Denise. Thank you. We are a go. I meant to get back to you on some issues with my depositions yesterday. Will be in touch by tonight about that. Thanks.

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**From:** Denise Buckley [<mailto:Denise.Buckley@ag.ny.gov>]  
**Sent:** Wednesday, June 28, 2017 12:22 PM  
**To:** Leo Glickman <[lglickman@stollglickman.com](mailto:lglickman@stollglickman.com)>  
**Subject:** Burks v Stickney - photo array viewing on July 6th

Leo,

Further to our discussion yesterday, we can arrange for the photo array viewing to take place at Great Meadow CF on July 6<sup>th</sup> at 9:30 am.

I understand that, in addition to meeting with your client for the photo array, you want to be able to meet with him during the entire length of visiting hours. Visiting hours start at 9 am and end at 3pm and the facility can arrange for you to meet with your client any time during those hours and the entire time if needed, but the photo array viewing will take place in one of the conference rooms usually reserved for depositions and your meeting with your client afterward will take place in one of the rooms usually reserved for legal visits.

To that end, please let me know what time frame you wish to meet with your client. Do you want to meet with him in the consultation room at 9am, have the photo array viewing there at 9:30, put your statement on the record there after you have reviewed the photos for the length of time you need, and then meet with your client in one of the legal visit rooms thereafter until 3pm? If you think you will need less time than that, please let me know so that I can advise the facility and they can plan accordingly.

Best regards,

**Denise Buckley | Assistant Attorney General**  
Litigation Bureau  
NYS Office of the Attorney General  
State Capitol | Albany, NY 12224  
Tel: (518) 776-2294 | Fax: (518) 915-7738 | [denise.buckley@ag.ny.gov](mailto:denise.buckley@ag.ny.gov)

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